

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2468 - SB 2546

March 15, 2014

SUMMARY OF BILL: Requires the identity of any person who makes a complaint or report to any department, commission, board, office or other agency of state government against a business to be public record and not subject to confidentiality, if such complaint or report causes an investigation of the business by the state agency. Removes the requirement that the identity of any person supplying information to the Department of Environment and Conservation relative to violations of the Coal Surface Mining Act of 1987 be held confidential.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$50,000/One-Time

Assumptions:

- According to the Department of Financial Institutions, the Department of General Services, and the Department of Commerce & Insurance, the provisions of the bill will not fiscally impact the departments.
- According to the Department of Health, federal regulations prohibit the department from releasing any information identifying individuals and complainants against any federally-certified health care facility.
- The provisions of the bill will require the Department of Health to differentiate between complaints made against federally-certified health care facilities and complaints made against state-licensed health care facilities, in order to determine what information is to be considered public record and which is confidential under federal provisions.
- The Department of Health is currently required by the federal Centers for Medicare and Medicaid Services (CMS) to enter all complaints into the federal Aspen Complaint Tracking System (ACTS) database.
- According to the Department of Health, the department currently averages 2,000 complaints annually. Approximately 500 of these complaints will be on state-licensed facilities.
- The Department of Health anticipates the necessity to develop and implement a new state computerized complaint tracking system to house complaints against state-licensed health care facilities exclusively. Development and implementation of such tracking system will result in a one-time increase in state expenditures of \$50,000.

- According to the Bureau of TennCare, the provisions of the bill will require the bureau to differentiate between information which is held confidential by federal guidelines and which information would be released. As a result, TennCare assumes an increased workload; however, the additional administrative responsibilities are assumed to be accomplished within existing resources.
- According to information provided by the Department of Environment and Conservation, the department currently treats citizen complaints as public record; therefore, there will be no fiscal impact to the department as a result of this bill.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/jrh